UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,254	11/08/2001	Makoto Tomita	35.G2939	5021

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EXAMINER
MILIA, MARK R

ART UNIT	PAPER NUMBER
2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/986,254	TOMITA, MAKOTO
	Examiner	Art Unit	
	Mark R. Milia	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-8,11-15 and 18-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 4-8, 11-15, and 18-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment was received on 10/27/06 and has been entered and made of record. Currently, claims 1, 4-8, 11-15, and 18-21 are pending.

Claim Rejections - 35 USC § 112

2.   Applicant's amendment to claims 1 and 15 overcomes the rejection of claims 1, 4-7, 15, and 18-20, as cited in the previous Office Action for lacking antecedent basis. Therefore the rejection has been withdrawn.

Response to Arguments

3.   Applicant's arguments filed 10/27/06 have been fully considered but they are not persuasive.

The applicant asserts that the combination of Schwartz (US 6891632) and Sampath (US 6665425) do not disclose or suggest setting means for setting evaluation information indicating whether or not the operation mode is to be evaluated after printing, displaying an evaluation screen for querying evaluation of a printing speed for the print processing, after the print processing of the print data is finished, in a case

where the set evaluation information indicates that the operation mode is to be

evaluated, acquiring an evaluation result input by a user via the displayed evaluation

screen, and updating selection criterion for determining the operation mode based on

the acquired evaluation result so as to effect a next determination of the operation

mode. The examiner respectfully disagrees as the combination of Schwartz and

Sampath do disclose such features. Particularly, Schwartz suggests the need to

evaluate the printing strategy as the reference states that "the driver's prediction will

never be 100% accurate, so the user is given the opportunity to substitute his own

selection" (column 6 lines 30-36) and Schwartz also suggests updating the strategy

based on previous results, as the reference states "Data transmission rate is estimated

based on...Transfer rate observed in real-time by the driver on previous print jobs"

(column 10 lines 19-24). Schwartz further states that the user is provided an interface

that allows the user to specify how the driver should select the print model, either have

the driver automatically select the optimum model based upon print speed and quality,

specify a particular criteria for which to optimize, such as print speed, or select a print

model to use directly. Therefore, Schwartz suggests that a user will evaluate the print

model chosen to see if the model coincides with criteria desired by the user and it can

be seen from the reference that a user is given a plurality of options to that would

change how the print model is selected or which criteria, such as print speed, should be

held as the highest priority, or simply select the print model that best fits the user's

desired outcome. Sampath discloses determining image quality parameters (see

column 6 lines 33-50) and after detection of such parameters, a user is given the

opportunity to augment and/or verify the results via a user interface (see column 7 lines 39-49 and column 8 lines 1-20). The reference of Sampath was used to show that it would have been obvious to incorporate setting evaluation information and displaying an evaluation screen to a user and acquiring a result into the system of Schwartz. It can therefore be seen that the combination of Schwartz and Sampath disclose setting means for setting evaluation information indicating whether or not the operation mode is to be evaluated after printing, displaying an evaluation screen for querying evaluation of a printing speed for the print processing, after the print processing of the print data is finished, in a case where the set evaluation information indicates that the operation mode is to be evaluated, acquiring an evaluation result input by a user via the displayed evaluation screen, and updating selection criterion for determining the operation mode based on the acquired evaluation result so as to effect a next determination of the operation mode.

Therefore, the rejection of claims 1, 4-8, 11-15, and 18-21, as cited in the previous Office Action, is maintained and repeated in this Office Action.

Claim Rejections - 35 USC § 103

4.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5.   Claims 1, 4-8, 11-15, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz (US 6891632) in view of Sampath (US 6665425).

Regarding claims 1, 8, and 15, Schwartz discloses a print control method of a
print driver, apparatus, and storage medium containing a print control program for
performing print processing in an operation mode which is automatically determined
from among a plurality of operation modes in response to a print request from an
application program (see column 1 lines 9-14 and column 4 lines 42-50), comprising:
generating print data in intermediate condition and temporarily storing the generated
print data, wherein said print data generating step is responsive to the print request from
the application program, and wherein the intermediate condition is independent of a
particular page description language (see column 6 line 65-column 7 line 4 and column
11 lines 41-47), analyzing the temporarily stored generated print data (see column 6 line
40-column 7 line 39, column 8 lines 34-52, column 9 lines 12-33, and column 11 lines
27-30), determining the operation mode from among the plurality of operation modes
based on the analysis in said print data analyzing step (see column 3 lines 65-67,
column 4 lines 22-27, column 7 lines 11-15, column 9 lines 12-25, and column 10 lines
19-26), processing the temporarily stored generated print data in accordance wit the
determined operation mode (see column 3 lines 65-67, column 4 lines 22-27, column 6
line 40-column 7 line 39, and column 9 lines 12-33), a response acquiring step in which,
by querying evaluation of a printing speed for the print the quality of print produced by
processing or the print processing, a response is acquired (see column 4 lines 42-50,
column 5 line 45-column 6 line 15, column 6 lines 32-34, and column 6 line 65-column 7
line 20), and updating the selection criterion for determining said operation mode based

on an evaluation result (see column 3 lines 65-67, column 4 lines 22-27 and 42-50, and column 6 lines 32-34).

Schwartz does not disclose expressly setting means for setting evaluation information indicating whether or not the operation mode is to be evaluated after printing, displaying an evaluation screen for querying evaluation of printing, after the print processing of the print data is finished in a case where the evaluation information set in said setting step indicates that the operation mode is to be evaluated, and an evaluation acquisition step of acquiring an evaluation result input by a user via the evaluation screen displayed in said displaying step.

Sampath discloses setting means for setting evaluation information indicating whether or not the operation mode is to be evaluated after printing (see column 3 lines 48-56 and column 6 lines 33-50), displaying an evaluation screen for querying evaluation of printing, after the print processing of the print data is finished in a case where the evaluation information set in said setting step indicates that the operation mode is to be evaluated, and an evaluation acquisition step of acquiring an evaluation result input by a user via the evaluation screen displayed in said displaying step (see column 6 lines 33-50, column 7 lines 7-49, and column 8 lines 1-20, reference states that the system detects the quality of an image which can be displayed for the user to view and augment and/or verify the results, which is analogous to the claim limitations).

Schwartz & Sampath are combinable because they are from the same field of endeavor, printing based on image quality.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the verifying or evaluating of image quality by a user, as described by Sampath and which is well known in the art, with the system of Schwartz.

The suggestion/motivation for doing so would have been to improve customer satisfaction and verify the results are that which the customer desires.

Therefore, it would have been obvious to combine Sampath with Schwartz to obtain the invention as specified in claims 1, 8, and 15.

Regarding claims 4, 11, and 18, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Schwartz further discloses a classification step of outputting classification data by analyzing the temporarily stored print data so that the print data is classified into one of classifications based on the type of the print data (see column 7 lines 21-31 and column 7 line 40-column 8 line 33, reference shows that print data is made up of one of three kinds of objects to be drawn, the three being bitmaps, graphics, and text and depending on which of these is to be output, the calculations about the processing and the selection of an optimal print model are decided), and a storage step in which, based on the evaluation result acquired in said evaluation acquisition step and the classification data output in said classification step, a the selection is updated (see column 3 lines 65-67, column 4 lines 22-27 and 42-50, column 6 line 40-column 7 line 11, column 8 lines 30-62, and column 9 lines 1-9, reference shows that data is stored in either the printer or the host and is processed depending on the type of print data in a particular manner).

Regarding claims 5, 12, and 19, Schwartz and Sampath disclose the system discussed in claims 4, 11, and 18, and Schwartz further discloses wherein, said determination step determines the operation mode also based on the classification data (see column 5 line46-column 6 line 15 and column 6 line 40-column 8 line 62, reference shows that based on the print quality and speed and the type of print data, bitmap, graphic, or text, an optimal print mode is selected and the print data is processed accordingly).

Regarding claims 6, 13, and 20, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Sampath further discloses wherein said displaying step displays a plurality of options to query the evaluation of the printing speed for the print processing or the quality of print produced by the print processing, and wherein said evaluation acquisition step acquires a selected option as the evaluation result (see column 6 lines 33-50, column 7 lines 7-49, and column 8 lines 1-20, reference states that the system detects the quality of an image which can be displayed for the user to view and augment and/or verify the results, which is analogous to the claim limitations).

Regarding claims 7, 14, and 21, Schwartz and Sampath disclose the system discussed in claims 1, 8, and 15, and Sampath further discloses a test-print designation step for designating a test print in which a process of querying the evaluation of the print is performed, wherein, when the test print is designated in said test-print designation step, the evaluation of the print is acquired in said evaluation acquisition step (see column 6 lines 37-50 and column 7 lines 39-49).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mark R. Milia whose telephone number is (571) 272-

7408. The examiner can normally be reached M-F 8:00am-4:00pm.
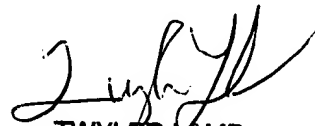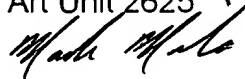
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the

organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRM

Mark R. Milia
Examiner
Art Unit 2625

TWYLER LAMB
SUPERVISORY PATENT EXAMINER